UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 16 2004

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Mr. Peter Lidiak
American Petroleum Institute
1220 L Street, N.W.
Washington, DC 20005-4070

Re: Request for Exercise of Enforcement Discretion for Certain Test Methods Measuring Parameters in Gasoline

Dear Mr. Lidiak:

This letter is in response to your request on behalf of the American Petroleum Institute (API) that the United States Environmental Protection Agency (EPA) exercise its enforcement discretion to allow the use of certain alternative test methods for measuring aromatics and oxygenates in gasoline, and the sulfur content of butane, pending two rulemakings that would authorize the use of these test methods.

Alternative Test Methods ASTM D 1319 and 4815

The fuel regulations at 40 C.F.R. § 80.46 specify the test methods that refiners and importers must use to measure the parameters of reformulated gasoline (RFG). Particularly, these regulations allow the use of the American Society of Testing and Materials (ASTM) D 1319 and ASTM D 4815 as alternative test methods for measuring total aromatics and oxygenates in RFG, respectively. 40 C.F.R. § 80.46(f)(3)(i) and 80.46(g)(2)(i). However under the regulations, these alternative test methods are no longer available after September 1, 2004.

EPA believes that these alternative test methods continue to be appropriate for determining aromatics and oxygenates in RFG and do not result in environmental degradation. EPA intends to promulgate a rule allowing the use of these alternative test methods to continue indefinitely.

Pending completion of this new rule, EPA's Office of Air and Radiation (OAR) has requested that EPA's Office of Enforcement and Compliance Assurance (OECA) allow the use of these test methods. Accordingly, pending final promulgation of the rule, OECA will exercise its enforcement discretion to allow the use of these alternative test methods, provided that the test results are correlated with the designated test methods, ASTM D 5769 and ASTM D 5599, respectively, as described in the current regulations. This exercise of enforcement discretion is effective on September 1, 2004, until the date the rule change described above becomes effective,

or until December 31, 2005, whichever is earlier.

Test Method ASTM D 6667

Additionally, the regulations designate ASTM D 3246 as the test method for measuring sulfur in butane. 40 C.F.R § 80.46(a)(2). EPA plans to issue a revised rule that would specify ASTM D 6667 as the designated test method for determining the sulfur content in butane. EPA believes ASTM D 6667 is more reliable, more readily available, and a better test method than the currently designated test method, ASTM D 3246.

Pending completion of this new rule, as requested by OAR, OECA will exercise its enforcement discretion to allow the use of ASTM D 6667, as an alternative to the currently designated test method. This exercise of enforcement discretion is effective immediately and will continue until the date the rule change described above becomes effective, or until December 31, 2005, whichever is earlier.

If you have any questions regarding this matter, you may call Adam Kushner, Director of the Air Enforcement Division, at (202) 564-7979.

Sincerely yours,

Thomas V. Skinner
Acting Assistant Administrator

cc: Jeffrey Holmstead
Assistant Administrator
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